

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LOREN SCHADEMAN Jr.,

Plaintiff,

v.

EXTRADITION TRANSPORT OF
AMERICA, *et al.*,

Defendants.

Case No. C10-5048BHS/JRC

REPORT AND
RECOMMENDATION

NOTED July 9, 2010

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4.

On February 9, 2010, the clerk's office sent plaintiff a letter outlining the defects in his filings (Dkt # 2). That letter informed him that the court needed service copies of the complaint, service information forms, and a copy of his prison trust account. The letter informed him that he had until March 11, 2010, to cure the defects in his filings. The letter also informed him that if he failed to cure the defects his action could be dismissed (Dkt. # 2).

Plaintiff did not cure any defect in his filings.

On April 30, 2010, the court entered an order providing a final opportunity for plaintiff to cure the defects in his filings (Dkt. # 3). Plaintiff was given until June 1, 2010, to provide the

REPORT AND RECOMMENDATION- 1

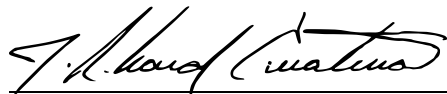
1 court with his trust account information, copies of the complaint for service, and filled out
2 service forms. The court also ordered plaintiff to show cause why the action should not be
3 summarily dismissed as venue and jurisdiction appeared improper (Dkt. # 3, pages 2 and 3).
4 Plaintiff was warned that the court intended to dismiss this action if he did not cure the defects
5 and respond.

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7 On June 1, 2010, plaintiff filed service forms, but he has not provided copies of the
8 complaint or his trust account information. Plaintiff has not shown that venue is proper or that
9 the court has jurisdiction to hear this action.

10 The court recommends that, pursuant to Fed. R. Civ. P. 41(b), this action be DISMISSED
11 WITH PREJUDICE for failure to comply with a court order, failure to prosecute, and failure to
12 show jurisdiction or venue are proper in this court.

13 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen
14 (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P. 6.
15 Failure to file objections will result in a waiver of those objections for purposes of appeal.
16 Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Fed. R. Civ. P.
17 72(b), the clerk is directed to set the matter for consideration on July 9, 2010, as noted in the
18 caption.
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20 Dated this 14th day of June, 2010.

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24 J. Richard Creatura
25 United States Magistrate Judge
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